

REMARKS**Claim Rejections under 35 USC §102**

Claims 33-38, 40-56 and 58-60 were rejected by the Examiner under 35 USC §102(e) as being clearly anticipated by Koblisch (2001/0020174), referencing Figures 17-22 and paragraphs [0065] and [0093]-[0103]. As previously discussed, the portions of Koblisch relied upon are not found in the earlier filed Koblisch application (Serial No. 09/447,186, filed on November 22, 1999). As a result, the effective filing date for the portion relied upon is the actual filing date of the Koblisch publication, namely April 10, 2001, less than one month prior to the filing date of the present application. Applicants have filed concurrently herewith Declarations under 37 C.F.R. §1.131 swearing behind the filing date of the Koblisch publication signed by the remaining, thus removing this reference as prior art against the present invention both under 35 U.S.C. §102(e) and 103(a). Applicants note that the Koblisch application issued as U.S. Patent 6,745,080 on June 1, 2004, but the claims of the patent do not appear to be relevant to the present claims. While the Rule 131 Declaration is filed to overcome the rejection based upon the Koblisch application, it would be applicable against the issued Koblisch patent.

The Examiner indicated in the Office Action that the §131 Declaration must be filed by all of the inventors. Applicants have filed concurrently §131 Declarations by the remaining inventors which attest to the truthfulness of the facts alleged in the earlier filed declaration by the inventor Eric Chan.

BEST AVAILABLE COPY

14

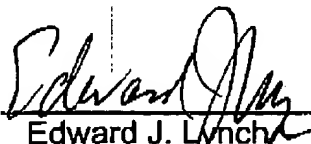
Serial No.: 09/847,181
Atty. Docket No.: R0370-02300

SF47706.3

The applicants believe that the pending claims define patentable subject matter. Further consideration and an early allowance of the pending claims are respectfully requested.

Respectfully submitted,

By:



Edward J. Lynch
Reg. No. 24,422
Attorney for Applicants

DUANE MORRIS LLP
One Market
Spear Tower, Ste. 2000
San Francisco, CA 94105
Direct Dial: (415) 371-2267
Facsimile: (415) 371-2201

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☒ OTHER: fax machine not clean

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.